

1 BILL NO. S-89-02- 17

2 SPECIAL ORDINANCE NO. S- 42-89

3 AN ORDINANCE approving the awarding of  
4 Reference #1365 by the City of Fort  
5 Wayne, Indiana, by and through its  
6 Department of Purchasing and REAM  
STECKBECK PAINT CO., INC. for the  
Community and Economic Development  
Department.

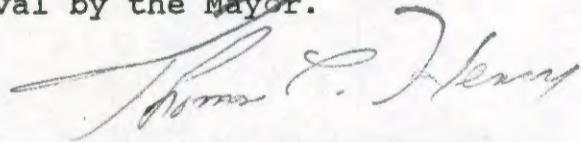
7 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
8 THE CITY OF FORT WAYNE, INDIANA;

9 SECTION 1. That Reference #1365 between the City of  
10 Fort Wayne, by and through its Department of Purchasing and  
11 REAM STECKBECK PAINT CO., INC. for the Community and  
12 Economic Development Department, respectfully for:

13 the purchase of 4,000+/- gallons of  
14 exterior latex paint for the Community  
and Economic Development Department;

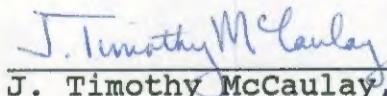
15 involving a total cost of Twenty-Seven Thousand Eight  
16 Hundred and no/100 Dollars (\$27,800.00), all as more  
17 particularly set forth in said Reference #1365 which is on  
18 file in the Office of the Department of Purchasing, and is  
19 by reference incorporated herein, made a part hereof, and is  
20 hereby in all things ratified, confirmed and approved.

21 SECTION 2. That this Ordinance shall be in full force  
22 and effect from and after its passage and any and all  
23 necessary approval by the ~~Mayor~~.

24   
25

26 Councilmember

27 APPROVED AS TO FORM  
AND LEGALITY

28   
29 J. Timothy McCaulay, City Attorney

30

31

32

Reference # 1365

Department Community Development & Planning

Date 2-21-89

**PURCHASING INFORMATION**

Advertised Bid xxx Opening Date 2-9-89  
Dates Advertised 1-17-89 & 1-24-89

Written Quote \_\_\_\_\_ Due Date \_\_\_\_\_

Verbal Quote \_\_\_\_\_

Number of Vendors Notified 10

Number of Vendors Requesting Bid Information 8

Number of Vendors Responding 3

Number of Vendors Disqualified 0

Number of Vendors not Responding 7

Date Sent to Department for Recommendation 2-10-89

Date Recommendation is Received in Purchasing 2-17-89

Information Sent to Law Department 2-21-89

Introduction Date 2-28-89

Discussion Date 3-07-89

Passage Date \_\_\_\_\_

Ordinance # \_\_\_\_\_

Amount Approved and/or Spent Last Year, if Applicable \_\_\_\_\_

REFERENCE NO. 1365  
C D & P  
EXTERIOR PAINT

DESCRIPTION	QTY	HAFFNER PAINT	REAM STECKBECK	MAB PAINTS
5/GAL CONT	800	\$39.20 \$31,360.00	\$33.75 \$27,000.00	\$36.25 \$29,000.00
1/GAL CONT	4000	\$7.89 \$31,560.00	\$6.95 \$27,800.00	\$7.35 \$29,400.00
TINT/PER GAL	4000	\$1.00 \$4,000.00	\$0.75 \$3,000.00	N/B \$0.00

INVITATION TO BID  
DEPARTMENT OF PURCHASING  
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA  
ONE MAIN STREET - ROOM 350  
219-427-1101

BID OPENING DATE: February 9, 1989 BID REFERENCE # 1365

BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350,  
CITY-COUNTY BUILDING UP TO 11:00 A. M. ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF  
WORKS AND SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-  
COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M.  
FOR ANY REASON WHATSOEVER."

THIS INVITATION FOR BID IS FOR The 1989 requirements for exterior  
House paint

AND REQUESTED BY Community Development & Planning

PLEASE RETURN THIS FORM AND/OR ANY OF THE OTHER FORMS AS REQUESTED  
ON THE THE SHEET OF CONTENTS WITH YOUR SEALED BID.

THIS BID REQUIRES A XXXXX 5% BID BOND, CERTIFIED CHECK, OR  
CASHIER'S CHECK OF ALL BIDDERS.

THIS BID REQUIRES A        100% PERFORMANCE BOND OF SUCCESSFUL  
BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: 1%  
IF PAID WITHIN 10 DAYS.

THE CITY OF FORT WAYNE IS EXEMPT FROM FEDERAL EXCISE AND INDIANA  
STATE SALES TAX. THE CITY'S INDIANA SALES TAX EXEMPTION  
CERTIFICATE NUMBER IS 356-001-255-0013. PRICES SHOULD NOT INCLUDE  
THESE TAXES.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND  
CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND  
BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF  
NINETY (90) DAYS.

FIRM NAME REAM STECKBECK PAINT CO. INC.

STREET ADDRESS 200 W. SUPERIOR ST.

CITY FT. WAYNE, IN 46802

BY John Stabbab PHONE 424-5225  
REPRESENTATIVE SIGNATURE

/\_\_/\_ 11. PERFORMANCE BOND. The successful bidder, at the time of signing the contract will be required, at his own expense, to furnish a bond guaranteeing faithful execution of the contract, in full amount of the contract price, executed by the bidder and a surety company admitted to do business in Indiana, on the bond form provided or approved by the City. The Performance Bond shall contain the following clause: "The said Surety, for value received, hereby stipulates and agrees, that no change, extension of the time, alteration or addition to the terms of the contract or to the work to be performed thereunder, or the specifications accompanying the same, shall in any way affect its obligation on this bond, and it does hereby waive notice of any change, extension of time, alteration or addition to the terms of the contract, or to the work or specification.

/XXXX 12. COUNCILMANIC APPROVAL AND RATIFICATION OF CONTRACT. This agreement, although executed on behalf of the City by the Mayor and the Purchasing Agent shall not be binding upon the City unless and until the contract has been ratified and approved by the Common Council of the City of Fort Wayne, Indiana. If the Common Council fails to approve the contract within ninety (90) days after the date of bid opening, then the contractor shall not be bound to the contract unless he/she/it elects to be so bound.

SCHEDULE

1. The contractor agrees to furnish at his/her/its own cost all labor, insurance, materials, equipment, and power for the completed delivery of the supplies.

All supplies and deliveries of supplies will be in accordance with: the IFB, this contract and any applicable plans, specifications, and drawings for a TOTAL PRICE of \$ 27,800.00. (If unit prices are applicable, the contractor agrees to perform for those unit prices as set forth in the Schedule of Unit Prices attached hereto.) The supplies shall be delivered as follows:

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24 hours notice at 200 W. Superior St.

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/ 2. LIQUIDATED DAMAGES PROVISION. It is hereby agreed by and between the City of Fort Wayne and contractor that time is of the essence of this agreement, and the contractor agrees that it will deliver the supplies as herein called for on or before the time spelled out in the contract. The parties agree that it is a business and governmental necessity that the supplies be delivered by these dates. The parties agree that in the event the supplies are not delivered by these dates, that it will be difficult or impossible to make an accurate determination of the damages that will be incurred by the City of Fort Wayne, and therefore provide for liquidated damages in the sum of \$ \_\_\_\_\_ per day as a reasonable estimate as to the damages which would be incurred by the City of Fort Wayne. The parties further agree that causes beyond the control of the contractor may delay delivery of supplies. Therefore, the parties agree that delays in the dates for delivery of supplies beyond the control of the contractor shall not result in liquidated damages.

Delays beyond the control of the contractor can include but are not restricted to: Acts of God or of the public enemy, acts of the United States Government, State of Indiana Government and City of Fort Wayne in either its sovereign or contractual capacity, fires, floods, epidemics, guarantee restrictions, strikes, freight embargoes, and unusually severe weather; but, in every case, the failure to perform must be beyond control and without the fault or negligence of the contractor. If the failure to perform is caused

BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)  
(Please type or print)

Date: FEB. 7, 1989  
1. Governmental Unit: COMMUNITY DEV. & PLANNING, CITY OF FT. WAYNE  
2. County: ALLEN  
3. Bidder (Firm): REAM STECKBECK PAINT CO. INC.  
Address: 200 W. SUPERIOR ST.  
City/State: FT. WAYNE, IN. 46802  
4. Telephone Number: 424-5225  
5. Agent of Bidder (If applicable): John Steckbeck

Pursuant to notices given, the undersigned offers bid(s) to COMMUNITY DEV.& PLANNING, CITY OF FT. WAYNE (Gov. nmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in his bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

*John J. Lubick*  
Signature of Bloder or Agent

**BID OFFER OR PROPOSAL**

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Item	Quantity	Unit	Description	Unit Price	Amount
each	4,000.	gallon	EXTERIOR LATEX H. P.	6.95	\$27,800.00

**NON-COLLUSION AFFIDAVIT**

STATE OF INDIANA )  
ALLEN COUNTY ) SS:  
I

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other bidder, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by one at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

REAM STECKBECK PAINT CO. INC.

**Bidder (Firm)**  
*John S. Gathen*  
**Signature of Bidder or Agent**

Subscribed and sworn to before me this 9<sup>th</sup> day of Feb., 1989.

Commission Expires: 12-8-90

Jean J. Atkinson  
Notary Public

## ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of (Governmental Unit) hereby accepts the terms of the attached bid for sses or Items numbered \_\_\_\_\_ and promises to pay the undersigned bidder upon delivery the price bid for the materials stipulated in said bid.

**Contracting Authority Members:**

Date:

1989 EXTERIOR LATEX HOUSE PAINT

APPROXIMATE AMOUNT WILL BE 4,000 GALLONS +/- EXTERIOR LATEX HOUSE PAINT.

The quantity may vary plus or minus and will be picked up in smaller quantities on a daily basis. Please quote prices on one (1) gallon containers.

The paint will need to be available in dark green, beige, light gray, yellow, medium blue, red, brown, black and white. Paint program participants who wish to use other colors must be able to have white paint tinted in the color of their choice for a nominal charge. We would like bidders to include a color chart of available colors as well as a list of specifications of the paint being bid. Paint must be available for immediate pick-up from mid-April through December 31, 1989.

The price of the paint must remain constant from mid-April through December 31, 1989.

The following are the minimum quality specifications required of the paint. Paint being bid must be equal or greater quality.

SPECIFICATIONS:

PIGMENT:	38.8%
VEHICLE:	<u>61.2%</u>
	100.0%

Pigment:

Titanium Dioxide Type II	39.1%
Zinc Oxide	4.3%
Calcium Carbonate	56.6%

Vehicle:	Vinyl Acetate/Acrylic Emulsion	34.4%
	Alkyd Resin Emulsion	65.6%

Non-Volatile (Vinyl Acetate/Acrylic Resin)	50.0%
Volatile Water	50.0%

Non-Volatile (Linseed-Castor Alkyd Resin)	12.2%
Volatile (Water, Aromatic Hydrocarbons, Mineral Spirits)	87.8%

COST OF EXTERIOR PAINT

COST TO THE CITY FOR FIVE (5) GALLON CONTAINERS	\$ <u>33.75 (6.75 x 5)</u>
COST TO THE CITY FOR ONE (1) GALLON CONTAINERS	\$ <u>6.95</u>
COST TO THE CITY FOR TINT/PER GALLON	\$ <u>.75</u>

DELIVERY TIME: 24 hours

F.O.B.: 200 W. Superior St.

The undersigned, on behalf of REAM STECKBECK PAINT CO. INC.  
\_\_\_\_\_, does hereby make the following representations  
to the City of Fort Wayne, Indiana.

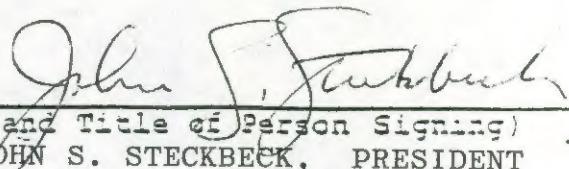
WHEREAS, it is acknowledged that the Common Council  
of the City of Fort Wayne, Indiana, has passed an ordinance con-  
demning the apartheid policies of the country of South Africa;

WHEREAS, Council's ordinance requires that all persons,  
firms or corporations submitting bids to the City, for goods and  
services, certify, as part of the bid, that such entity does not  
support the policies of apartheid in South Africa.

The undersigned states, on behalf of REAM STECKBECK PAINT  
CO. INC. \_\_\_\_\_, that HE  
does not support or endorse the policy of apartheid in South Africa.

IN WITNESS WHEREOF, this Certification has been signed  
this \_\_\_\_\_ 7 day of FEB. \_\_\_\_\_, 1989.

REAM STECKBECK PAINT CO. INC.  
(Name of Bidder/Vendor)

  
(Name and Title of Person Signing)

JOHN S. STECKBECK, PRESIDENT

# Ream Steckbeck Paint Co.

*Corporate Office*  
200 WEST SUPERIOR STREET  
FORT WAYNE, INDIANA 46802  
TELEPHONE 219-424-5225

2/9/89

## SPECIFICATIONS:

SUPPLIER: GRAHAM PAINT & VARNISH CO., CHICAGO, ILL.

PIGMENT:	36%
VEHICLE	<u>64%</u>
	100%

### Pigment:

Titanium T102T Type III	35%
Alum. Silac. Nil.	65%

### Vehicle:

Vinyl Acetate/Acrylic Emulsion	33%
Alkyd Resin Emulsion	67%
Non-Volatile(Vinyl Acetate/Acrylic Resin)	50.0%
Volatile Water	50.0%

## 12 LOCATIONS

200 W. SUPERIOR • SOUTHGATE • NORTHCREST • GEORGETOWN • COVINGTON RD.  
DECATUR • WARSAW • WABASH • MARION • MUNCIE • DEFIANCE/VAN WERT, OHIO

Read the first time in full and on motion by Henry,  
seconded by Seaw, and duly adopted, read the second time by  
title and referred to the Committee on Finance (and the  
City Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Conference Room 128, City-County Building,  
Fort Wayne, Indiana, on 19, the 1 day  
of 19, at 10 o'clock A.M., E.S.T.

DATED: 2-28-89

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry,  
seconded by Seaw, and duly adopted, placed on its  
passage. PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>			
<u>BRADBURY</u>	<u>✓</u>			
<u>BURNS</u>	<u>✓</u>			
<u>GiaQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>	<u>✓</u>			
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>STIER</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 3-14-89

Nedjida Eskoff  
SANDRA E. KENNEDY, CITY CLERK  
Deputy

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. A-42-89  
on the 14th day of March, 1989.

ATTEST

Nedjida Eskoff  
SANDRA E. KENNEDY, CITY CLERK  
Deputy

SEAL

Charles S. Reed  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 15th day of March, 1989,  
at the hour of 3:00 o'clock P. M., E.S.T.

Nedjida Eskoff  
SANDRA E. KENNEDY, CITY CLERK  
Deputy

Approved and signed by me this 17th day of March,  
1989, at the hour of 11:30 o'clock A. M., E.S.T.

PAUL HELMKE  
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE: Special

J-85-02-17

DEPARTMENT REQUESTING ORDINANCE: Community Development & Planning

SYNOPSIS OF ORDINANCE: An ordinance awarding Reference No. 1365, with respect to the purchase of 4000± gallons of Exterior Latex Paint to Ream Steckbeck Paints in the amount of \$27,800.00. The cost reflects the most responsible of (3) bidders.

EFFECT OF PASSAGE: Four thousand plus or minus, (4000±) gallons of Exterior Latex House Paint will be distributed to low and moderate income households in the City of Fort Wayne who are willing to paint their houses themselves to make an aesthetic improvement to their neighborhoods.

EFFECT OF NON-PASSAGE: Approximately, Two-hundred plus or minus (200±) low and moderate income households will not be able to paint their houses and this will contribute to neighborhood deterioration.

**MONEY INVOLVED:**

Ream Steckbeck Paints \$27,800.00

SOURCE OF FUNDING:

Community Development Block Grant Fund  
175-008-PTP5-4293

ASSIGNED TO COMMITTEE:

BILL NO. S-89-02-17

REPORT OF THE COMMITTEE ON FINANCE

THOMAS C. HENRY, CHAIRMAN  
MARK E. GIAQUINTA, VICE CHAIRMAN  
BRADBURY, SCHMIDT, STIER

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (ORDINANCE) (RESOLUTION) approving the  
awarding of Reference #1365 by the City of Fort Wayne, Indiana,  
by and through its Department of Purchasing and REAM STECKBECK  
PAINT CO., INC. for the Community and Economic Development  
Department

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND  
BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID

(ORDINANCE) (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Thomas Henry*  
*Janet M.*  
*Janet H. Bradbury*  
*M. Schmidt*

DATED: 3-14-89

Sandra E. Kennedy  
City Clerk